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SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Response to Arguments

1. Applicant's arguments filed on 8/16/2006, pages 11-13, have been fully considered but they are not persuasive. The rejections based on Shirasaki et al are maintained. See paragraphs 45-47 below.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Shirasaki et al (US 6,943,753) hereinafter Shirasaki.

4. As to claim 1, Shirasaki conventionally discloses an apparatus to output different display identification data depending on a connector type [DVI-I connector, Fig. 13], comprising:

an analog display identification data storing and outputting unit [1K bit EEPROM-EDID data of analog specification, see Fig. 13] which stores predetermined analog display identification data and outputs the stored analog display identification data to a

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predetermined system when a command to output the analog display identification data is issued;

a digital display identification data storing and outputting unit [1K bit EEPROM-EDID data of digital specification, Fig. 13] which stores predetermined digital display identification data and outputs the stored digital display identification data to the predetermined system when a command to output the analog display identification data is issued;

a connector type identification unit [DVI-I interface, see Fig. 12, col. 2, lines 15-22] which identifies a connector type based upon an output of pins of a predetermined connector; and

a display identification data output command unit [the user makes setting on the switcher, see Fig. 13] which commands one of: the analog display identification data storing and outputting unit, and the digital display identification data storing and outputting unit, to output one of:

the analog display identification data [the analog EDID], and

the digital display identification data [the digital EDID], to the

predetermined system based upon an identified connector type [DVI type, column 1, line 10 through columns. 2-3, line 19].

5. As to claim 2, Shirasaki conventionally discloses the apparatus of claim 1, wherein the analog display identification data and the digital display identification data have a predetermined structure according to extended display identification data (EDID)

specifications of the Video Electronics Standards Association (VESA)¹ [see column 1, lines 17-23].

6. As to claim 3, Shirasaki conventionally discloses the apparatus of claim 1, wherein the predetermined connector is a DVI connector [DVI connector, see Fig. 12, column 1, line 54 to column 2, line 8].

7. As to claim 4, Shirasaki conventionally discloses the apparatus of claim 3, wherein the connector type identification unit identifies the DVI connector as one of a DVI-A-type, a DVI-D-type, and a DVI-I-type connector based on the output of pins of the DVI connector [see Fig. 12, column 1, line 54 to column 2, line 8].

8. As to claim 5, Shirasaki conventionally discloses the apparatus of claim 4, wherein the connector type identification unit comprises: a DVI-A-type identifier which identifies the DVI connector as a DVI-A-type connector when an output of a 22nd of the DVI connector of a Terminal Display Management System clock ground is at a high impedance and an output of a C5-th pin of the DVI connector of an analog ground is at a ground level; a DVI-D-type identifier which identifies the DVI connector as a DVI-D-type connector when the output of the 22nd of the DVI connector of the Terminal Display Management System clock ground is at a ground level and the output of the C5-th pin of the DVI connector of the analog ground is at a high impedance level; and a DVI-I-type identifier which identifies the DVI connector as a DVI-I-type connector when the output of the 22nd of the DVI connector of the Terminal Display Management System clock ground and the output of the C5-th pin of the DVI connector of the analog

¹ See <http://en.wikipedia.org/wiki/EDID>

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ground are at a ground level [see Fig. 12, column 1, line 54 to column 2, line 8, conventionally disclosing, a table of a DVI-D connector pin conventionally assigns at least a pin C5 is analog ground, and a pin 22 is TMDS clock shield].

9. As to claim 6, Shirasaki conventionally discloses the apparatus of claim 4, wherein the display identification data output command unit comprises: an analog display identification data output commander which commands the analog display identification data storing and outputting unit to output the analog display identification data when the DVI connector is identified as a DVI-A-type connector by the connector type identification unit; and a digital display identification data output commander which commands the digital display identification data storing and outputting unit to output the digital display identification data when the DVI connector is identified as a DVI-D-type connector by the connector type identification unit [the user makes setting/command on the switcher for the analog data and the digital data, see Fig. 13 and claim 1 above].

10. As to claim 7, Shirasaki further discloses the apparatus of claim 6, wherein the analog display identification data output commander commands the analog display identification data storing and outputting unit to output the analog display identification data according to predetermined additional information when the DVI connector is identified as a DVI-I-type connector by the connector type identification unit [see Fig. 1, col. 5, line 57 to column 6, line 49, disclosing, the predetermined additional information comprises at least analog red, green, and blue data, and horizontal and vertical sync. See Fig. 13, col. 38-50, conventionally disclosing, the user makes a selection for the analog display identification data on the switcher].

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11. As to claim 8, Shirasaki further discloses the apparatus of claim 7, wherein the additional information indicates that the analog display identification data is to be output according to a user selection [the user makes a selection for the analog display identification data on the switcher, see Fig. 13, col. 38-50, and claim 7 above].

12. As to claim 9, Shirasaki further discloses the apparatus of claim 6, wherein the digital display identification data output commander commands the digital display identification data storing and outputting unit to output the digital display identification data according to predetermined additional information when the DVI connector is identified as a DVI-I-type connector by the connector type identification unit [see Fig. 10, column 16, disclosing, the predetermined additional information comprises at least digital red, green, and blue data, and horizontal and vertical sync. See Fig. 13, col. 38-50, conventionally disclosing, the user makes a selection for the digital display identification data on the switcher].

13. As to claim 10, Shirasaki further discloses the apparatus of claim 9, wherein the predetermined additional information indicates that the digital display identification data is to be output according to a user selection [the user makes a selection for the digital display identification data on the switcher, see Fig. 13, col. 38-50, and claim 9 above].

14. The limitation of claim 11, are similar to those of claim 1, though in method form, therefore the rejection of claim 11, will be treated using the same rationale as claim 1.

15. Claim 12 shares the same limitations as those of claim 2 and therefore the rationale for rejection will be the same.

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16. Claim 13 shares the same limitations as those of claim 3 and therefore the rationale for rejection will be the same.

17. Claim 14 shares the same limitations as those of claim 4 and therefore the rationale for rejection will be the same.

18. Claim 15 shares the same limitations as those of claim 5 and therefore the rationale for rejection will be the same.

19. Claim 16 shares the same limitations as those of claim 6 and therefore the rationale for rejection will be the same.

20. Claim 17 shares the same limitations as those of claim 7 and therefore the rationale for rejection will be the same.

21. Claim 18 shares the same limitations as those of claim 8 and therefore the rationale for rejection will be the same.

22. Claim 19 shares the same limitations as those of claim 9 and therefore the rationale for rejection will be the same.

23. Claim 20 shares the same limitations as those of claim 10 and therefore the rationale for rejection will be the same.

24. The limitation of claim 21, are similar to those of claim 1, though in computer-readable recording medium form, therefore the rejection of claim 21, will be treated using the same rationale as claim 1.

25. Claim 22 shares the same limitations as those of claim 2 and therefore the rationale for rejection will be the same.

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26. Claim 23 shares the same limitations as those of claim 3 and therefore the rationale for rejection will be the same.

27. Claim 24 shares the same limitations as those of claim 4 and therefore the rationale for rejection will be the same.

28. Claim 25 shares the same limitations as those of claim 5 and therefore the rationale for rejection will be the same.

29. Claim 26 shares the same limitations as those of claim 6 and therefore the rationale for rejection will be the same.

30. Claim 27 shares the same limitations as those of claim 7 and therefore the rationale for rejection will be the same.

31. Claim 28 shares the same limitations as those of claim 8 and therefore the rationale for rejection will be the same.

32. Claim 29 shares the same limitations as those of claim 9 and therefore the rationale for rejection will be the same.

33. Claim 30 shares the same limitations as those of claim 10 and therefore the rationale for rejection will be the same.

34. The limitations of claim 31 are the same as those of claim 1 and therefore the claim will be rejected using the same rationale.

35. Claim 32 shares the same limitations as those of claim 6 and therefore the rationale for rejection will be the same.

36. Claim 33 shares the same limitations as those of claim 2 and therefore the rationale for rejection will be the same.

37. Claim 34 shares the same limitations as those of claim 3 and therefore the rationale for rejection will be the same.

38. Claim 35 shares the same limitations as those of claim 4 and therefore the rationale for rejection will be the same.

39. Claim 36 shares the same limitations as those of claim 5 and therefore the rationale for rejection will be the same.

40. Claim 37 shares the same limitations as those of claim 6 and therefore the rationale for rejection will be the same.

41. Claim 38 shares the same limitations as those of claim 7 and therefore the rationale for rejection will be the same.

42. Claim 39 shares the same limitations as those of claim 8 and therefore the rationale for rejection will be the same.

43. Claim 40 shares the same limitations as those of claim 9 and therefore the rationale for rejection will be the same.

44. Claim 41 shares the same limitations as those of claim 10 and therefore the rationale for rejection will be the same.

Response to Arguments

45. Applicant's arguments filed 8/16/2006 have been fully considered but they are not persuasive.

Extra References or Other Evidence Can Be Used to Show Meaning of a Term Used in the Primary Reference. Extrinsic evidence may be used to explain but not expand the meaning of terms and phrases used in the reference relied upon as anticipatory of the claimed subject matter. In re Baxter Travenol Labs., 952 F.2d 388, 21 USPQ2d 1281 (Fed. Cir. 1991).

Extra Reference or Evidence Can Be Used To Show an Inherent Characteristic of the Thing Taught by the Primary Reference "To serve as an anticipation when the reference is silent about the asserted inherent characteristic, such gap in the reference may be filled with recourse to extrinsic evidence. Such evidence must make clear that the missing descriptive matter is necessarily present in the thing described in the reference, and that it would be so recognized by persons of ordinary skill." Continental Can Co. USA v. Monsanto Co., 948 F.2d 1264, 1268, 20 USPQ2d 1746, 1749 (Fed. Cir. 1991). Note that as long as there is evidence of record establishing inherency, failure of those skilled in the art to contemporaneously recognize an inherent property, function or ingredient of a prior art reference does not preclude a finding of anticipation. Atlas Powder Co. v. IRECO, Inc., 190 F.3d 1342, 1349, 51 USPQ2d 1943, 1948 (Fed. Cir. 1999). This finding of inherency was not defeated by the fact that one of the references taught away from air entrapment or purposeful aeration.). See also In re King, 801 F.2d 1324, 1327, 231 USPQ 136, 139 (Fed. Cir. 1986); Titanium Metals Corp. v. Banner, 778 F.2d 775, 782, 227 USPQ 773, 778 (Fed. Cir. 1985). See MPEP § 2112 - § 2112.02 for case law on inherency. Also note that the critical date of extrinsic evidence showing a universal fact need not antedate the filing date. See MPEP § 2124.

Since only alleged distinction between applicant's claims and reference is recited in functional language, it is incumbent upon applicants, when challenged, to show that device disclosed by reference does not actually possess such characteristics. See *In re Ludtke*, 169 USPQ 563 (CCPA) 1971). The burden on applicant to rebut an inherency rejection applied to product and process claims. See *In re Best*, 195 USPQ 430, 433 (CCPA 1977).

Where, however, the specification is silent as to what constitutes equivalents and the examiner has made out a prima facie case of equivalence, the burden is placed upon the applicant to show that a prior art element which performs the claimed function is not an equivalent of the structure, material, or acts disclosed in the specification. See *In re Mulder*, 716 F.2d 1542, 1549, 219 USPQ 189, 196 (Fed. Cir. 1983).

If the applicant disagrees with the inference of equivalence drawn from a prior art reference, the applicant may provide reasons why the applicant believes the prior art element should not be considered an equivalent to the specific structure, material or acts disclosed in the specification. Such reasons may include, but are not limited to:

- (A) Teachings in the specification that particular prior art is not equivalent;
- (B) Teachings in the prior art reference itself that may tend to show nonequivalence; or
- (C) 37 CFR 1.132 affidavit evidence of facts tending to show nonequivalence.

46. Applicant argues with respect to claim 1 at page 12 recited: "Hence, Shirasaki teaches judging whether each of said video signals inputted from said external computer is a signal of analog specification or digital specification and also judges

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whether the state of an input channel is an analog channel or a digital channel. In contrast, the present claimed invention (see, for example, independent claim 1) recites an apparatus to output different display identification data depending on a connector type, utilizing a connector type identification unit which identifies a connector type based upon an output of pins of a predetermined connector; and a display identification data output command unit which commands one of: the analog display identification data storing and outputting unit, and the digital display identification data storing and outputting unit, to output one of: the analog display identification data and the digital display identification data to the predetermined system based upon an identified connector type."

In response, the examiner respectfully disagrees. As stated *infra* with respect to claim 1, the examiner finds that Shirasaki similarly teaches a display monitor comprises a DVI-I interface supporting respective video signals of analog specification and digital specification (see the preamble of claim 1), and an **EDID data** stands for "**Extended display identification data** provided a basic form of identification by connecting one" (see attachment) *(as corresponding to an apparatus to output different display identification data depending on a corrector type as recited in preamble of presented claim 1)*;

said video signal of analog specification, an EDID data memory, "a discriminator judging whether each of said video signals inputted from said external computer is a signal of analog specification and also judges whether the state of an input channel is an analog channel" for an analog display device; *(corresponding to an analog display*

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identification data storing and outputting unit which stores predetermined analog display identification data and outputs the stored analog display identification data to a predetermined system when a command to output the analog display identification data is issued as recited in claim 1);

said video signal of digital specification, said EDID data memory, "the discriminator judging whether each of said video signals inputted from said external computer is a signal of digital specification and also judges whether the state of an input channel is a digital channel" for a digital display device; *(corresponding to a digital display identification data storing and outputting unit which stores predetermined digital display identification data and outputs the stored digital display identification data to the predetermined system when a command to output the analog display identification data is issued as recited in claim 1);*

said DVI-I interface *(corresponding to a connector type identification unit as recited in claim 1);*

As indicated by the applicant with respect to claim 1, the applicant has pointed out Shirasaki teaches "judging whether each of said video signals inputted from said external computer is a signal of analog specification or digital specification and also judges whether the state of an input channel is an analog channel or a digital channel."

As stated infra with respect to claim 1, the examiner finds that said **EDID data** stands for **"Extended display identification data** provided a basic form of identification by connecting one,"and **figure 4 of Shirasaki**, which read on the limitation *"a display identification data output command unit which commands one of: the analog display*

identification data storing and outputting unit, and the digital display identification data storing and outputting unit, to output one of: the analog display identification data, and the digital display identification data, to the predetermined system based upon an identified connector type” as recited in claim 1.

47. Applicant argues with respect to claim 1 at page 11 recited: “That is, the present claimed invention identifies the hardware (connector type), and based on the hardware identified, commands output of a type of data (analog or digital display identification data) based thereon. Shirasaki, on the other hand, identifies the type of data (analog or digital display identification data) using a discriminator and a state (digital or analog) of an input channel and reads and transmits (using a DDC control) the data (analog or digital specification) to an external computer.”

In response, the examiner respectfully disagrees. As stated *infra* with respect to claim 1, the examiner finds that Shirasaki similarly teaches a hardware (connector type) such as a DVI-I interface in preamble of claim 1 to identify different kinds of analog and digital display data channel for outputting to the appropriate analog and digital display devices. Furthermore, Shirasaki teaches a software for identifying the type of data (analog or digital display identification data) using a discriminator and a state (digital or analog) of an input channel and reads and transmits (using a DDC control) the data (analog or digital specification) to an external computer that also read on the present claimed invention as cited in claim 1. Because of using hardware or using the software on the computer are logically equivalent. Moreover, those skilled in the computer art it is obvious that such an implementation can be expressed in terms of either computer

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program (software) or a computer circuitry (hardware) implementation, the two being functional equivalent of one another. See *In re Ruff*, 256 F. 2d 590, 118 USPQ 340, 343 (CCPA 1958).

It is respectfully submitted that independent claim 1 is similar to independent claims 11, 21 and 31. Therefore, the same rejection of similar claims 11, 21 and 31 based on Shirasaki is maintained as set forth above.

With respect to dependent claims 2-10, 12-20, 22-30, and 32-41, the applicant argues the dependent claims 2-10, 12-20, 22-30, and 32-41 with the only emphasis of depending from the independent claims 1, 11, 21 and 31. In response, the examiner respectfully sustained the rejection of the independent claims 1, 11, 21 and 31 based on Shirasaki as explained in greater details above.

For these reasons, the rejections of claims 1-41 based on Shirasaki have been maintained.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KEVIN M. NGUYEN whose telephone number is 571-272-7697. The examiner can normally be reached on MON-THU from 8:00-6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, a supervisor RICHARD A. HJERPE can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8000.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the Patent Application Information Retrieval system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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KMN
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